

FILED

1 Arturo Andrade
2 10508 Crockett St.
3 Sun Valley, CA 91352
4 (310) 447-4400
5 No Fax
6 No Email
7 In Pro Per

2018 MAR 29 AM 9:54

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY LAW

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KINGSTON INVESTMENTS, LLC.

Plaintiff,

vs.

KRISTY ABE DOES 1 TO 10, INCLUSIVE

Defendant

Case No.: CV18-02545 JAK (RAOx)

NOTICE OF REMOVAL UNDER 28
U.S.C. 1332, 1391, 1441 (a) and 1446

SUPERIOR COURT OF CALIFORNIA
CASE NO. 18PDUD00506

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND ITS ATTORNEYS OF
RECORD:

Pursuant to 28 U.S.C. 1332, 1391, 1441 (a) and 1446, the Defendant, Arturo Andrade,
Pro Se, files this Notice of Removal of this case from the Superior Court of California, County of
Los Angeles, to the United States District Court for the Central District of California. In support
of this Notice of Removal, Defendant states as follows:

CASE BACKGROUND AND FOUNDATION FOR REMOVAL

1. On or about February 01, 2018, Plaintiff commenced an action in the Superior Court of
California, in Los Angeles County against the Defendant/Cross Plaintiff. Defendant/Cross
Plaintiff currently has a pending Complaint filed against the Plaintiff for Various Violations

1 of the California Civil Code, Declaratory Relief, and/or Intentional Misrepresentation and
2 other causes of action against the Plaintiff of this case.

- 3 2. Defendant/Counter Plaintiffs presently seek judgment against Plaintiff for injuries that
4 Defendant/Counter Plaintiffs allegedly suffered as a result of various violations under the
5 Fair Debt Collection Practices Act. Defendant/Counter Plaintiff's claims against Plaintiff are
6 based on Plaintiff's alleged misrepresentation of the amount of debt due, and their own
7 fraudulent actions.
- 8 3. True and correct copies of the Summons, Complaint and other pleadings or orders are
9 Attached as Exhibit "A" and incorporated by reference.
- 10 4. This Court has original jurisdiction over the matter pursuant to 28 U.S.C. 1331. Further, this
11 matter is one that may be removed to this Court pursuant to 28 U.S.C. 1441 because it is a
12 civil action based upon the Federal Debt Collection Practices Act.
- 13 5. Venue is proper in this Court because the State Court Action is pending in the Superior Court
14 of California, Los Angeles County. See 28 U.S.C. 1441 (a).

15
16 **COMPLETE DIVERSITY OF CITIZENSHIP**

- 17 6. There is complete diversity of citizenship between the parties.
- 18 a) Plaintiff is incorporated in a state other than California and their principal places of
19 business are located in states other than California. Thus, Plaintiff is not a citizen of
20 California.
- 21 b) Defendant/Counter Plaintiff is a citizen of California, residing in Los Angeles
22 County.

23
24 **AMOUNT IN CONTROVERSY EXCEEDS \$75,000.00**

- 25 7. Plaintiff does not quantify the amount of damages they seek to recover in this case. See
26 complaint, Prayers for Relief. From the face of the Complaint, however, it is apparent that
27 the amount in controversy more likely than not exceeds \$75,000.00, exclusive of interest and
28 costs.

1 8. "The amount in controversy is ordinarily determined by the allegations of the Complaint, or,
2 where they are not dispositive, by the allegations in the Notice of Removal". See *Laughlin*
3 *v. Kmart Corp.*, 50F.3d 871, 873 (10th Cir.), cert denied, 516 U.S. 863 (1995).

4 9. When the plaintiff's damages are unquantified in the Complaint, the amount in Controversy
5 can be established by allegations in the Removal Notice by reference to allegations on the
6 face of the Complaint. *Cv. Martin v. Franklin Capital Corp.*, 251 F.3d 1284, 1290 (10th Cir
7 2001). More specifically, the amount in controversy requirement can be satisfied by showing
8 that it is facially apparent from the Complaint that the claims more likely than not exceed
9 \$75,000.00. See *Allen v. R&H Oil and Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995);
10 *Accord Singer v. State Farm Mutual Automobile Ins. Co.*, 116 F.3d 373, 377 (9th Cir.
11 1997); See also *Gilmer v. The Walt Disney Co., ET all.*, 915 F. Supp. 1001, 1007 (W.D. Ark
12 1996).

13 10. Here, the amount in controversy more like than not exceeds \$75,000.00 based on Plaintiff's
14 claims, their alleged injuries and the recovery sought.

15 11. Defendant/Counter Plaintiff denies the allegations in the Complaint. Taking those
16 allegations on their face as true, however, as this Court must do for the purpose of
17 determining the propriety of removal, it is clear that Plaintiff's claims, as evidenced by the
18 documents attached hereto as Exhibit "A" demonstrate an amount in controversy in excess of
19 \$75,000.00

20 12. Given the complete diversity of the real parties and an amount in the controversy in excess of
21 \$75,000.00, this Court has jurisdiction over the causes of action and claims asserted in the
22 State Court Action pursuant to 28 U.S.C. 1332, and this action properly is removable
23 pursuant to 28 U.S.C. 1441.

24 13. Diversity jurisdiction further exists in this case based on the following:

25 A. The Plaintiff, KINGSTON INVESTMENTS, LLC., and/or its Successors and/or
26 Assignees in Interest, cannot state a claim for return of, damages to or diminution in
27 volume of assets it does not own, or can prove ownership.
28

1 B. Based on its lack of ownership of the subject property, the Plaintiff, KINGSTON
2 INVESTMENTS, LLC., and/or its Successors and/or Assignees in Interest, has no
3 standing to bring the claims set forth in their Complaint or Motion.

4 C. Due to the fact that the Plaintiff, KINGSTON INVESTMENTS, LLC., and/or its
5 Successors and/or Assignees in Interest, cannot state a claim upon which relief may
6 be granted, the only proper parties to this action are the Defendant/Cross Plaintiff.

7 14. If the party with no standing is disregarded, this Court has original jurisdiction over the
8 action pursuant to 28 U.S.C. 1332, and this case may be removed to this Court pursuant to
9 U.S.C. 1441 (a).

10
11 **OTHER ISSUES**

12 15. This Notice of Removal is timely filed. See 28 U.S.C. 1446(b).

13 16. This Notice of Removal has been served on Plaintiff's counsel. A Notice of Filing of Notice
14 of Removal to Federal Court (attached as Exhibit "A") will be filed in the Superior Court of
15 California, County of Los Angeles, as soon as this Notice of Removal has been filed in this
16 Court.

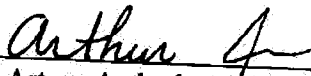
17 17. A Copy of the complete record maintained by the Clerk of the Superior Court, County of Los
18 Angeles, California is attached to this Notice of Removal as Exhibit "A".

19
20 **CONCLUSION**

21 Because Plaintiff and Defendant are citizens of different states, and the amount in
22 controversy exceeds \$75,000.00, exclusive of interest and costs, this Court has jurisdiction over
23 Plaintiff's claims pursuant to 28 U.S.C. 1332. Defendant is therefore entitled to remove this
24 case to this Court pursuant to 28 U.S.C. 1441.

25
26 Wherefore, Defendant requests that the action now pending before the Superior Court of
27 California, County of Los Angeles, Civil Action No. 18PDUD00506, be removed to this Court.
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1 Dated: March 29, 2018

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4 Arturo Andrade, In Pro Per
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that on 03/29/2018, he served a copy of

NOTICE OF REMOVAL

By placing said copy in an envelope addressed to the person(s) hereinafter named, at the places and address shown below, which are the last known addresses, and mailing said envelope and contents in the U.S. Mail in Los Angeles, California.

Law Offices Of Steven J. Siebig
Attn: Steven J. Siebig Bar No. 200875
27451 Tourney Rd., Suite 280
Valencia, CA 91355

Higuera Sofia
Sofia Higuera

Exhibit "A"

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ARTURO ANDRADE 10508 CROCKETT ST. SUN VALLEY, CA 91352		POS-030 FOR COURT USE ONLY
TELEPHONE NO.: (310) 447-4400 E-MAIL ADDRESS (Optional): None ATTORNEY FOR (Name): In Pro Per	FAX NO. (Optional): None	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 300 E. WALNUT ST. MAILING ADDRESS: 300 E. WALNUT ST. CITY AND ZIP CODE: PASADENA, CA 93009 BRANCH NAME: PASADENA COURTHOUSE		
PETITIONER/PLAINTIFF: KINGSTON INVESTMENTS, LLC.		
RESPONDENT/DEFENDANT: KRISY ABE DOES 1 TO 10, INCLUSIVE		
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL		CASE NUMBER: 18PDUD00506

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
172 S. ROOSEVELT AVE.
PASADENA, CA 91107
3. On (date): 03/30/2018 I mailed from (city and state): PASADENA, CA
the following documents (specify):
NOTICE OF STAY OF PROCEEDINGS

☒ The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):
 - a. ☒ depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. ☐ placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
 - a. Name of person served: STEVEN J. SIEBIG BAR NO. 200875
 - b. Address of person served:
Attn: Law Offices Of Steven J. Siebig
27451 Tourney Rd., Suite 280
Valencia, CA 91355

☐ The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 03/29/2018

SOFIA HIGUERA

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

Higuera Shoff

(SIGNATURE OF PERSON COMPLETING THIS FORM)

**SI INS
(CITACION JUDICIAL)
UNLAWFUL DETAINER—EVICTION
(RETENCION ILICITA DE UN INMUEBLE—DESALOJO)**

**NOTICE TO DEFENDANT:
(A VISO AL DEMANDADO):**

KRISTY ABE
DOES 1 TO 10, INCLUSIVE

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

KINGSTON INVESTMENTS, LLC

SUM-130
FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CLERK OF SUPERIOR COURT
County of Los Angeles

FEB 01 2018

Clerk, by _____ Deputy

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a hearing with the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or court holiday, then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in print and filed with the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information on the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito.) Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: La corte tiene un derecho a reclamar las cuotas y los costos extintos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda descontinuar el caso.

1. The name and address of the court is:

(El nombre y dirección de la corte es):
LOS ANGELES SUPERIOR COURT -- PASADENA
300 E. WALNUT STREET
PASADENA, CA 91101-1566

CASE NUMBER: 18PD000506
(Número del caso)

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
STEVEN J. SIEBIG, ESQ., 27451 TOURNEY RD. #280 VALENCIA, CA 91355 SBN:200875
(818)488-6450

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: FEB 01 2018
(Fecha)

Clerk, by
(Secretario)

Gilbert Glonoso

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

4. NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual defendant
b. ☐ as the person sued under the fictitious name of (specify):
c. ☐ as an occupant
d. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (consortium)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ CCP 415.46 (occupant) ☐ other (specify):

5. ☐ by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ARTURO ANDRADE 10508 CROCKETT ST. SUN VALLEY, CA 91352 TELEPHONE NO.: (310) 447-4400 FAX NO. (Optional): None E-MAIL ADDRESS (Optional): None ATTORNEY FOR (Name): In Pro Per		CM-180 FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 300 E. WALNUT ST. MAILING ADDRESS: 300 E. WALNUT ST. CITY AND ZIP CODE: PASADENA, CA 93009 BRANCH NAME: PASADENA COURTHOUSE		
PLAINTIFF/PETITIONER: KINGSTON INVESTMENTS, LLC. DEFENDANT/RESPONDENT: KRISY ABE DOES 1 TO 10, INCLUSIVE		
NOTICE OF STAY OF PROCEEDINGS		
		CASE NUMBER: 18PDUD00506
		JUDGE:
		DEPT.:

To the court and to all parties:**1. Declarant (name):** ARTURO ANDRADE

- a. ☒ is ☒ the party ☐ the attorney for the party who requested or caused the stay.
- b. ☐ is ☐ the plaintiff or petitioner ☐ the attorney for the plaintiff or petitioner. The party who requested the stay has not appeared in this case or is not subject to the jurisdiction of this court.

2. This case is stayed as follows:

- a. ☒ With regard to all parties.
- b. ☐ With regard to the following parties (specify by name and party designation):

3. Reason for the stay:

- a. ☐ Automatic stay caused by a filing in another court. (Attach a copy of the Notice of Commencement of Case, the bankruptcy petition, or other document showing that the stay is in effect, and showing the court, case number, debtor, and petitioners.)
- b. ☒ Order of a federal court or of a higher California court. (Attach a copy of the court order.)
- c. ☐ Contractual arbitration under Code of Civil Procedure section 1281.4. (Attach a copy of the order directing arbitration.)
- d. ☐ Arbitration of attorney fees and costs under Business and Professions Code section 6201. (Attach a copy of the client's request for arbitration showing filing and service.)
- e. ☐ Other:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 03/29/2018

ARTURO ANDRADE

(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE)

STEVEN J. SIEBIG BAR NO. 200875
LAW OFFICES OF STEVEN J. SIEBIG
27451 TOURNEY RD. SUITE 280
VALENCIA, CA 91355
Phone: (818) 488-6450
Fax: (818) 488-6483

CLERK, JAMES P. FLYNN
Superior Court of California
County of Los Angeles

FEB 01 2018

Attorney for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, NORTHEAST LIMITED JURISDICTION
PASADENA COURTHOUSE

KINGSTON INVESTMENTS, LLC

Plaintiff,

vs.

KRISTY ABE,
DOES 1 to 10, inclusive,
Defendants.

CASE NO. 18PD000566

COMPLAINT FOR UNLAWFUL
DETAINER

Action based on Code of Civil
Procedure Section 1161a

DEMAND LESS THAN \$10,000.00

Plaintiff alleges:

1. Plaintiff is unaware of the true names and capacities, whether individual, corporate, associate or otherwise, of defendants sued herein as DOES 1 to 10, inclusive, and therefore sues said defendants by said fictitious names. Plaintiff prays leave to amend this complaint to insert herein their true names and capacities when the same have been ascertained, along with the appropriate charging allegations.

2. At all times herein mentioned, plaintiff was a limited liability company duly existing under the laws of the State of

1 California.

2

3 3. Plaintiff is the owner, and is entitled to possession
4 of the real property described as: [REDACTED]
5 [REDACTED] (hereinafter the "the Premises"). Plaintiff
6 acquired ownership of, and title to, the Premises at a duly
7 noticed trustee sale under a power of sale in a Deed of Trust
8 executed by Kristy Abe, as Trustor. The title under said
9 sale has been duly perfected pursuant to, and in full compliance
10 with, California Civil Code §2924, et seq. A true and correct
11 copy of said Trustee's Deed Upon Sale is attached hereto as
12 Exhibit "1".

13

14 4. On or about Jan. 23, 2018, plaintiff caused a written
15 Notice to Quit (hereinafter "the Notice") to be served on the
16 defendants pursuant to California Code of Civil Procedure §1162.
17 A true copy of the Notice is attached hereto as Exhibit "2" and
18 was served by leaving a copy with Rudy Deleon for the defendant
19 and by mailing a copy to the premises address above.

20

21 5. More than 3 (three) days have elapsed since service of
22 said notice but defendants have failed and refused, and continue
23 to fail and refuse, to deliver up possession of the Premises.

24

25 6. The fair rental value of the premises is \$110.00 per
26 day and plaintiff is suffering damages for each day that the
27 defendants remain in possession thereof since plaintiff acquired
28 title to the property.

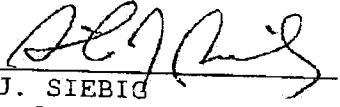
1 7. Venue in this court is proper, as the subject premises
2 are located within its jurisdiction.

3
4 WHEREFORE, plaintiff prays for judgment against defendants,
5 and each of them, as follows:

- 6 1. Restitution of possession of the aforesaid premises;
7 2. Damages at the rate of \$110.00 per day from 1/27/18;
8 3. For costs of suit incurred herein;
9 4. For such other and further relief as this Court deems
10 just and proper.

11
12 Dated: Jan. 31, 2018

Law Offices of Steven J. Siebig

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15 STEVEN J. SIEBIG
16 Attorney for Plaintiff
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ARTURO ANDRADE 10508 CROCKETT ST. SUN VALLEY, CA 91352		POS-030 FOR COURT USE ONLY
TELEPHONE NO.: (310) 447-4400 E-MAIL ADDRESS (Optional): None	FAX NO. (Optional): None	
ATTORNEY FOR (Name): In Pro Per		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 300 E. WALNUT ST. MAILING ADDRESS: 300 E. WALNUT ST. CITY AND ZIP CODE: PASADENA, CA 93009 BRANCH NAME: PASADENA COURTHOUSE		
PETITIONER/PLAINTIFF: KINGSTON INVESTMENTS, LLC.		CASE NUMBER: 18PDUD00506
RESPONDENT/DEFENDANT: KRISY ABE DOES I TO 10, INCLUSIVE		
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL		

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.

2. My residence or business address is:

172 S. ROOSEVELT AVE.
PASADENA, CA 91107

3. On (date): **03/30/2018** I mailed from (city and state): **PASADENA, CA**
 the following documents (specify):
NOTICE OF STAY OF PROCEEDINGS

☒ The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):

a. ☒ depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.

b. ☐ placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and mailing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

5. The envelope was addressed and mailed as follows:

a. Name of person served: **STEVEN J. SIEBIG BAR NO. 200875**

b. Address of person served:
Attn: Law Offices Of Steven J. Siebig
27451 Tourney Rd., Suite 280
Valencia, CA 91355

☐ The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **03/29/2018**

SOFIA HIGUERA

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

Higuera Sofi

(SIGNATURE OF PERSON COMPLETING THIS FORM)

CP10.5

NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.

1. If you live here and you do not complete and submit this form, you may be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. You must file this form within 10 days of the date of service listed in the box on the right hand side of this form.
 - **Exception:** If you are a tenant being evicted after your landlord lost the property to foreclosure, the 10-day deadline does not apply to you and you may file this form at any time before judgment is entered.
3. If you file this form, your claim will be determined in the eviction action against the persons named in the complaint.
4. If you do not file this form, you may be evicted without further hearing.
5. If you are a tenant being evicted due to foreclosure, you have additional rights and should seek legal advice immediately.

CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address): TELEPHONE NO.: (310) 447-4400		FOR COURT USE ONLY
ARTURO HERNANDEZ 10508 CROCKETT ST. SUN VALLEY, CA 91352		
ATTORNEY FOR (Name): In Pro Per		
NAME OF COURT: SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES STREET ADDRESS: 300 E. WALNUT ST. MAILING ADDRESS: 300 E. WALNUT ST. CITY AND ZIP CODE: PASADENA, CA 91101 BRANCH NAME: PASADENA COURTHOUSE		
Plaintiff: KINGSTON INVESTMENTS, LLC Defendant: KRISTY ABE DOES 1 TO 10, INCLUSIVE		
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION		CASE NUMBER: 18PDUD00506
Complete this form only if ALL of these statements are true: 1. You are NOT named in the accompanying Summons and Complaint. 2. You occupied the subject premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is in the accompanying Summons and Complaint.) 3. You still occupy the subject premises.		(To be completed by the process server) DATE OF SERVICE: (Date that form is served or delivered, posted, and mailed by the officer or process server)

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (specify): ARTURO HERNANDEZ
2. I reside at (street address, unit no., city and ZIP code):
10508 CROCKETT ST.
SUN VALLEY, CA 91352
3. The address of "the premises" subject to this claim is (address):
10508 CROCKETT ST. SUN VALLEY, CA 91352
4. On (insert date): 02/01/2018, the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (This date is in the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ 225.00 or file with the court an "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file the form for waiver of court fees, I will not be entitled to make a claim of right to possession.

(Continued on reverse)

Plaintiff: KINGSTON INVESTMENTS, LLC	CASE NUMBER:
Defendant: KRISTY ABE DOES 1 TO 10, INCLUSIVE	18PDUD00506

CP10.5

11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

NOTICE: If you fail to file this claim, you may be evicted without further hearing.

13. **Rental agreement.** I have (check all that apply to you):

- a. ☐ an oral or written rental agreement with the landlord.
- b. ☐ an oral or written rental agreement with a person other than the landlord.
- c. ☒ an oral or written rental agreement with the former owner who lost the property to foreclosure.
- d. ☐ other (explain):

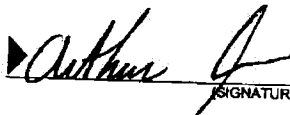
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date: 03/05/2018

ARTURO HERNANDEZ

(TYPE OR PRINT NAME)



(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

— NOTICE TO OCCUPANTS —

YOU MUST ACT AT ONCE if all the following are true:

1. You are **NOT** named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.
3. You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. If you do not file this claim, you may be evicted without a hearing.

FW-001**Request to Waive Court Fees****CONFIDENTIAL**

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

1 Your Information (person asking the court to waive the fees):Name: ARTURO HERNANDEZStreet or mailing address: 10508 CROCKETT ST.City: SUN VALLEYState: CA Zip: 91352Phone number: (310) 447-4400**2 Your Job**, if you have one (job title): CLERKName of employer: OLD TIME DRIVE INEmployer's address: 8742 GLENOAKS BLVD., SUN VALLEY, CA 91352**3 Your Lawyer**, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of LOS ANGELES,**300 E. WALNUT ST.****PASADENA, CA 91101****PASADENA COURTHOUSE**

Fill in case number and name:

Case Number:**18PDUD00506****Case Name:****KINGSTON INV., LLC V. ABE**a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes ☐ No ☐

b. (If yes, your lawyer must sign here) Lawyer's signature:

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- ☒ Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)
- ☐ Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- a. ☒ I receive (check all that apply; see form FW-001-INFO for definitions): ☐ Food Stamps ☐ Supp. Sec. Inc. ☐ SSP ☒ Medi-Cal ☐ County Relief/Gen. Assist. ☐ IHSS ☐ CalWORKS or Tribal TANF ☐ CAPI
- b. ☐ My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$435.42 for each extra person.
1	\$1,256.26	3	\$2,127.09	5	\$2,997.92	
2	\$1,691.67	4	\$2,562.51	6	\$3,433.34	

c. ☐ I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you **must** fill out page 2):

- ☐ waive all court fees and costs ☐ waive some of the court fees
- ☐ let me make payments over time

6 ☐ Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here:) ☐

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: 03/05/2018ARTURO HERNANDEZ

Print your name here


Sign here

Request to Waive Court Fees

FW-001, Page 1 of 2



Your name: ARTURO HERNANDEZ

Case Number:

18PDUD00506

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

- 7 ☐ Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

- a. List the source and amount of **any** income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____
(4)	_____	\$ _____

b. Your total monthly income: \$0

9 Household Income

- a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1)	_____	_____	\$ _____
(2)	_____	_____	\$ _____
(3)	_____	_____	\$ _____
(4)	_____	_____	\$ _____

b. Total monthly income of persons above: \$0

Total monthly income and household income (8b plus 9b): \$0

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

Check here if you attach another page. ☐

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

- a. Cash \$ _____
- b. All financial accounts (List bank name and amount):
- | | | |
|-----|-------|----------|
| (1) | _____ | \$ _____ |
| (2) | _____ | \$ _____ |
| (3) | _____ | \$ _____ |
- c. Cars, boats, and other vehicles
- | Make / Year | Fair Market Value | How Much You Still Owe |
|-------------|-------------------|------------------------|
| (1) | \$ _____ | \$ _____ |
| (2) | \$ _____ | \$ _____ |
| (3) | \$ _____ | \$ _____ |
- d. Real estate
- | Address | Fair Market Value | How Much You Still Owe |
|---------|-------------------|------------------------|
| (1) | \$ _____ | \$ _____ |
| (2) | \$ _____ | \$ _____ |
- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):
- | Describe | Fair Market Value | How Much You Still Owe |
|----------|-------------------|------------------------|
| (1) | \$ _____ | \$ _____ |
| (2) | \$ _____ | \$ _____ |

11 Your Monthly Deductions and Expenses

- a. List any payroll deductions and the monthly amount below:

(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____
(4)	_____	\$ _____

- b. Rent or house payment & maintenance \$ _____
- c. Food and household supplies \$ _____
- d. Utilities and telephone \$ _____
- e. Clothing \$ _____
- f. Laundry and cleaning \$ _____
- g. Medical and dental expenses \$ _____
- h. Insurance (life, health, accident, etc.) \$ _____
- i. School, child care \$ _____
- j. Child, spousal support (another marriage) \$ _____
- k. Transportation, gas, auto repair and insurance \$ _____
- l. Installment payments (list each below):

Paid to:	
(1)	\$ _____
(2)	\$ _____
(3)	\$ _____

m. Wages/earnings withheld by court order \$ _____

n. Any other monthly expenses (list each below):

Paid to:		How Much?
(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____

Total monthly expenses (add 11a – 11n above): \$0

FW-003**Order on Court Fee Waiver
(Superior Court)****1 Person who asked the court to waive court fees:**Name: ARTURO HERNANDEZStreet or mailing address: 10508 CROCKETT ST.City: SUN VALLEY State: CA Zip: 91352**2 Lawyer, if person in 1 has one (name, address, phone number, e-mail, and State Bar number):****3 A request to waive court fees was filed on (date):**☐ The court made a previous fee waiver order in this case on (date):**Read this form carefully. All checked boxes ☒ are court orders.**

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of PASADENA,**300 E. WALNUT ST.****PASADENA, CA 91101****PASADENA COURTHOUSE**

Fill in case number and name:

Case Number:**18PDUD00506****Case Name:****KINGSTON INV., LLC V. ABE**

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

4 After reviewing your: ☒ **Request to Waive Court Fees** ☐ **Request to Waive Additional Court Fees**
the court makes the following orders:a. ☐ The court grants your request, as follows:(1) ☐ **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (Cal. Rules of Court, rules 3.55 and 8.818.) You do not have to pay the court fees for the following:

- Filing papers in Superior Court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court

- Reporter's fee for attendance at hearing or trial, if reporter provided by the court
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835

(2) ☐ **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.

- ☐ Jury fees and expenses
- ☐ Fees for a peace officer to testify in court
- ☐ Fees for court-appointed experts
- ☐ Court-appointed interpreter fees for a witness
- ☐ Other (specify): _____

Your name: ARTURO HERNANDEZ

Case Number:

18PDUD00506

- b.
- ☐
- The court
- denies**
- your fee waiver request, as follows:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

- (1)
- ☐
- The court
- denies**
- your request because it is incomplete. You have
- 10 days**
- after the clerk gives notice of this order (see date of service on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below (*specify incomplete items*):

- (2)
- ☐
- The court
- denies**
- your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (
- specify reasons*
-):

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)*, form FW-006. You have **10 days** after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c. below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

- c.
- ☐
- The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (
- specify questions regarding eligibility*
-):

- ☐
- Bring the following proof to support your request if reasonably available:

Name and address of court if different from above:

Hearing
Date

→ Date: _____ Time: _____
Dept.: _____ Room: _____

Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____

Signature of (check one):

☐

Judicial Officer

☐

Clerk, Deputy



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of ServiceI certify that I am not involved in this case and (*check one*):☐

A certificate of mailing is attached.

- ☐
- I handed a copy of this order to the party and attorney, if any, listed in (1) and (2) at the court, on the date below.

- ☐
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in (1) and (2) from (
- city*
-): _____, California on the date below.

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

NOTICE OF STAY OF PROCEEDINGS

1. Declarant (name): ARTURO ANDRADE

- Date: 03/29/2018

(TYPE OR PRINT NAME OF DECLARANT)

Arthur Jones
(SIGNATURE)